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Board Meeting – January 6, 2014

21st Floor – Conference Room 1

Present Board Members:

- Walter White, Executive Office of Public Safety Designee, Chair (WW)
- Myra Berloff, Massachusetts Office on Disability (MB)
- Diane McLeod, Vice Chair (DM)
- Andrew Bedar, Member (AB)
- Carol Steinberg, Member (CS)

and

- Thomas Hopkins, Executive Director
- Kate Sutton, Program Coordinator/Clerk for Proceedings (KS)

Members Not Present:

- Raymond Glazier, Executive Office on Elder Affairs Designee (RG)

- Meeting began at 9:30 a.m.

1) **Discussion:** Grafton Townhouse, 1 Grafton Common, Grafton (V10-081)

TH - EXHIBIT – submittal from Assistant to Town Administrator

- seeking more time for the submittal of the permit ready plans and confirmation that accessible parking and accessible entrance at the rear was completed, date set for February 1, 2014; elevator compliance ordered for June 1, 2015

DM - reaffirm February 1, 2014 date for submittal

No second – motion fails

MB - give them an extension to March 1, 2014 for the submittal of the required plans

CS - second – carries with DM opposed

MB - ramp and parking to be completed and verified by April 15, 2014, no further extensions permitted; if the ramp and parking are not completed by April 15, 2014, will revert to closing all areas of the building being closed that are not accessible;

- change date to May 1, 2014; so till May 1, 2014 for the accessible entrance and accessible parking to be completed and verified as such; or will revert to closing all areas open to the public that are inaccessible

AB - second – carries

MB - the extension of the receipt of the stamped plans, does not alter the requirement for the elevator to be installed, inspected and usable, by July 1, 2015; if the elevator is not installed, inspected and usable by July 1, 2015, we will revert to the previous order to close all areas that are open to the public and inaccessible will be closed; and a fine hearing will be scheduled

CS - second – carries

MB - letter from December 17, 2013 from Apple Tree Arts for their accessibility policy; not the kind of policy that we are looking for, simply a statement of nondiscrimination; not a policy about the accommodations and how patrons will be notified of those policies

MB - not accept the submittal from Apple Tree Arts, it is a nondiscrimination statement; not a policy about how people unable to access the inaccessible levels of the building will be accommodated, submitted by February 1, 2014

DM - second – carries

2) Discussion: Questions of the day for cases

CS - question about statement of Amherst College in George Snow case

- letter from Mass Historic

TH - typo by them

CS - is there a remaining problem?

TH - the hearing was scheduled because there are two cases, there was originally ordered dates and requirements to confirm compliance

- we never received verification of compliance

- then expanded into adjacent space; the ramp that was proposed to be used was dilapidated, but ramp was fixed

- hearing was scheduled for the lack of verification of compliance

CS - MIT two-bedroom suites

MB - concerned with path of travel to accessible entrance

- travel by the rear of the building, and there are ruts in the pavement

TH - can only do the work within the scope of their property lines

3) Discussion: Oak Grove Community Center, 6 Grove St., Malden (C13-003)

TH - EXHIBIT – request for extensions

- seeking additional time for the submittal of information for 8 weeks

MB - *grant 8 week extension, however no further extensions, and if not received by March 1, 2014 or fine hearing will be scheduled*

DM - *second -carries*

4) Incoming: Grace Chapel, 525 Main St., Watertown (V13-336)

TH - EXHIBIT – variance application

- existing 1930's church
- balcony used for overflow seating
- spending over 30% on renovations
- seeking variance for the lack of access
- installing vertical wheelchair lift to access two floors of the church
- 927 square feet, only 300 square feet open to the public, the rest is storage

CS - would like to see plans

MB - stairs and handrails up to the balcony need to be accessible
- looks like they will need variances on the primary entrance

MB - *grant the variance for the lack of vertical access to the balcony to allow the usage of the balcony; on the condition that the Petitioners submit full detailed plans of the upper space by February 1, 2014 and confirmation that the stairs leading to that space comply in full with 521 CMR 27, with photos to also be submitted*

CS - *second- carries*

MB - *have the Petitioners submit a 30% analysis and any additional variance requests, as well as details on the lift (i.e. plans) and the date by which it shall be installed, and copy of the contract submitted to the Board by February 15, 2014*

CS - *second –carries*

5) Incoming: Town Hall, Abbot Hall, 188 Washington St., Marblehead (V13-327)

TH - EXHIBIT – variance application

- tower renovation project and building upgrades for access
- it has been presented as if they are over 30%, but not there yet, but it may trigger

CS - *hearing*

DM - *second – carries*

6) Incoming: Suffolk County House of Correction, 20 Bradston St., Boston (V13-334)

TH - EXHIBIT – variance application
- need to meet with DCAM after reading the application multiple times
- doing two projects on two different buildings

DM - have TH meet with DCAM about the project

AB - second – carries

7) Incoming: DYS Northeast Regional Youth Facility, 33 Gregory St., Middleton (V13-332)

TH - EXHIBIT – variance application
- new construction of 2 story juvenile detention facility
- seeking one variance for portable shower seat, due to self harm issue

MB - grant as proposed

DM - second – carries

8) Incoming: Apartments, 625 McGrath Hwy, Somerville (V13-331)

TH - EXHIBIT – variance application
- new construction of 24 apartments and a 10 unit apartment building, on same site
- variance for sink depths, will provide compliant sinks upon request

MB - grant as proposed

CS - second – carries

Raymond Glazier, Executive Office on Elder Affairs Designee (RG) – Now Present

9) Incoming: Town Hall, 9 Main St., West Stockbridge (V13-330)

TH - EXHIBIT – variance application
- spending over 30%
- multiple variance requests

CS - hearing

DM - second – carries

10) Discussion: Tadpole Children's Boutique, 58-60 Clarendon St., Boston (V13-182)

TH - EXHIBIT – submittal of photos of handrails to the stairs, portable ramp, and buzzer in place

RG - accept submittal of pictures and consider case closed

DM - second – carries

11) Incoming: Weston Copley Plaza, 10 Huntington Ave., Boston (V13-338)

TH - EXHIBIT - variance application

- renovation of suites to create accessible suites with comparable views

- 3.3.1a, seeking variances to 2 sections, 44.4.1 and 44.4.4, clear floor space in front of the toilet and grab bar length

CS - grant both as proposed

MB - second – carries

12) Discussion: Powerhouse, 10 East Drive, Amherst (V13-253)

TH - EXHIBIT – submittal of affidavit

- affidavit states that it will only be used for overflow seating

DM - (reads affidavit into record)

CS - accept the affidavit and register with registry of deeds within 60 days

DM - second - carries

13) Incoming: Apartment, 1282 Boylston St., Boston (V13-329)

TH - EXHIBIT – variance application

- seeking variance for sink depths

DM - grant as proposed

MB - second – carries

14) Incoming: Learning Center at Bromley Heath, 30 Bickford St., Jamaica Plain (V13-335)

TH - EXHIBIT – variance application

- spending over 30%

- seeking one variance for sink heights for children's toilet rooms

CS - grant as proposed

DM - second - carries

15) Incoming Discussion: Apartment Building, 761 Harrison Ave., Boston (V13-129/326)

TH - EXHIBIT – variance application

- 11 new apartments

- letter from consultant states over 30%

- seeking variance for elevator cab within existing shaft (77.5 x 47.5), only off by a half inch

MB - grant

DM - second – carries

CS - petitioners provide figures of spending and assessed value within 30 days of decision

MB - second – carries

16) Discussion: Accessible Parking at Burns Family Trust Building, 850-856 Washington St., Weymouth (C04-106 and C13-018)

TH - C04-106 closed

- current complaint is under order to comply with parking restriped and proper signage by May 1, 2014

- complainant requested a hearing

- there is no grounds for the hearing, since there is a stipulated order that the work is to comply by May 1, 2014

CS - question about language of the appeal for a hearing

WW - date for compliance has not even come yet

TH - wrote to Mark that building inspector is going to allow the violation of the requirement for accessible parking

MB - need to respond that the case was heard, the Board found in his favor, and that the business has until May 1, 2014 to comply, and will consider his appeal after the deadline has passed

CS - nothing in the regs that requires the Board to schedule a hearing, based on a request

MB - notify the complainant that the complaint was received and found to have merit and that the Board has issued a date for compliance (May 1, 2014) and at this time, there are no grounds for reconsideration

CS - second – carries

17) Incoming: Last Shot Restaurant, 559 Washington St., Stoughton (C13-033)

TH - EXHIBIT - pictures of the work done, and request for variance for lack of latch pull side clearance

- cost for installation of opener will be \$6,400

- only need 6 more inches for variance

- now level landing provided

KS - had ordered level landing and automatic door opener

- he is requesting variance for the lack of pull side clearance

AB - accept documentation and grant the variance for the lack of pull side clearance and eliminate the requirement for automatic door opener

DM - second – carries

18) Incoming: Colby Hall and Chapel, 141 Herrick Rd., Newton (V13-328)

TH - EXHIBIT – Variance application
- spending over 30%
- multiple requests

CS - hearing

DM - second – carries

19) Incoming: Dunster House, Harvard University, 945 Memorial Dr., Cambridge (V13-337)

TH - EXHIBIT- variance application
- spending over 30%
- seeking variances to two items, 25.1, proposing that 4 of the 20 entrance will be accessible; seeking relief to 13 stairs, for inner handrails and nosings, all will have compliant wall side handrails

MB - hearing

DM - second – carries

20) Discussion: Strathmore Mill Footbridge, 20 Canal Rd., Turner Falls (V13-216)

TH - EXHIBIT – extension request
- seeking more time (January 1, 2015) to submit the study of the project regarding potential access
- original variance was to not make the bridge accessible

CS - grant extension to January 1, 2015, reiterating that no work is to take place at the footbridge until the required documentation is received and reviewed by the Board

MB - second – carries

CS not present

21) Incoming: Concord Outfitters, 113 Commonwealth Ave., Concord (V13-339)

TH - EXHIBIT – variance application
- new building
- project is almost complete
- two sets of plans, one shows building at proper height, other shows foundation too high and two steps to entrance at the sidewalk
- argument is that height of foundation stated that water table was too high, which was the reasoning behind the foundation built with 2 steps

WW - why would it require raising it 2 feet, the highest it would be would ground level

TH - brand new building with two new stepped entrances

DM - Deny and require TH to contact the building inspector and architect
MB - second that the building will not open until access is provided – carries

22) Discussion: Bus Shelters at City Hall, Worcester

TH - advisory opinion issued regarding bus shelters at City Hall that the provided shelters comply
- Scott Ricker requested a hearing since he says that a cut-out in the seating of the bus shelter is required
- Advisory opinion was requested by the building inspector

MB - although good design may include a companion cutout for wheelchair seating, the regulations of 521 CMR do not require a cut-out in the seating

DM - second - carries

CS now present

23) Hearing: Nathaniel Allen House, 35 Webster St., Newton (V13-219)

WW - called to order at 11:00 a.m.
- introduce the Board

Donald Lang, DLA Architecture, Architect (DL)

Adrienne Hartzell, Newton Cultural Alliance, Managing Director (AH)

Phi Hong, DLA Architecture, Designer (PH)

WW - all sworn in
- EXHIBIT 1 – AAB1-53

DL - amendment submitted to the application on December 31, 2013, one for a door and one for a 36” ramp
- submittal

WW - accept as EXHIBIT #2

DL - letter dated December 14, 2013, regarding tax credit application
- which puts a little more emphasis on the historic fabric of the building

WW - accept as EXHIBIT #3

DL - second page of letter, second to last bullet point, ask for description of accessibility features at the interior to be “invisible and as minimally invasive as possible”

DL - will need to raise \$4.5 million for the nonprofit that will operate the building

- have a hearing in front of the Newton Preservation Commission on Thursday night to look at \$2.5 million that is current

- DL
- house sits with attached barn on large site
 - house is relatively well preserved, built around 1840
 - Nathaniel Allen started kindergarten and school for younger children in first floor of barn
 - house was where his family lived
 - building was constructed in at least 5 different stages
 - barn is a main space, and in 1914 last piece was put on, which is an addition to the barn which is up two steps
 - building was most recently used as 7 apartments
 - there are 7/8 different levels within the building, which presents a fairly significant challenge to provide access
 - original driveway to the property and there is an existing parking lot
 - the first floor of the barn is almost at grade
 - there is an accessible entrance proposed facing Webster Street and facing Cherry Street
 - 3 accessible spaces proposed, 26 provided
 - there is also a drop-off area at the front accessible entrance
 - lower level of the barn is “unimproved” and is a barn
 - in order to maximize the benefit of the project to the community, going to excavate the barn to provide community space, one lower level accessible entrance to the barn, three accessible entrances at the main level
 - the main historic entrance into the building takes you into the stair hall (the center of the building)
 - a ramp to this entrance would be 45 feet long
 - accessible entrance is 30 feet away
 - egress porch, attached to a stairway, will only be used for egress
 - another egress porch at the back of the building, that will be used for emergency egress only
 - one entrance will also be noted as an “employee entrance only”
 - may not use the building as is, and will go right into construction based on the current rate of funding; since occupying the building now would result in the need to vacate the building once construction begins
 - one more doorway at the rear, which has a fully compliant ramp (means of egress from the ramp), expected that the Suzuki School of Music will be the primary tenant for the building, but lease not yet signed
 - 14 program spaces proposed and several gallery spaces, public gallery spaces will be shared, but Suzuki will use majority of space on 2nd and 3rd floor of building and propose preschool at grade level of barn
 - explanation of overall all accessibility (AAB41)
 - servant’s wing is several steps below main floor plate of the building, however the first floor of this space does meet the main level of the barn
 - full service, 5 stop elevator proposed, which joins the two structures
 - porch with pillars is being reconstructed to provide an area of rescue assistance at the porch, but steps are proposed to stay
 - green areas on maps are all areas that are accessible, grey is employee only space, and pink is areas where variances are sought
 - second floor of barn has another set of stairs that connect to two program spaces
 - seeking variance for the lack of access to the two rooms at the second floor of the barn
 - lower level of barn will be accessible, with interior ramp to the lower level

- accessible toilet rooms at this level
- large auditorium space/gross motor skills area for preschool
- third floor, on the existing house that is an apartment and may remain an apartment as a caretaker facility, but may be administrative offices for the Suzuki School
- conference room at accessible second level, for student or parent to meet with anyone that has offices at the third floor
- first floor is the location of three preschool classrooms
- main public gallery spaces are in the main portion of the house, and the large basement space, with all being accessible

- DL - list of variances is on AAB12
- time variance for Phase 1, was previously granted
 - variance #2, historic main entrance, with 5 steps
 - accessible entrance is located a few feet away

- CS - historic entrance has a porch, will be accessible from the interior
- DL - yes, it will be raised to create accessible area of rescue assistance
- porch is 8' wide and 6' deep, adding a 5' extension to the floor to have area of assisted rescue and not interfere with means of egress

- CS - path of travel to the same space
- 45 foot ramp would not be feasible
- DL - no, there is not enough space
- would be more travel distance, and would be more work to the project at the porch

- CS - are there any other entrances that require variances?
- DL - no, there are employee entrances, and emergency egress doors

- DL - there will be locked doors due to the school

DM - grant lack of access at historic front porch

MB - second – carries

- DL - seeking variance for 20.1 for the lack of accessible route to the second floor level of the barn

- CS - two rooms will be used for lessons?
- DL - they are similar in size to many of the spaces
- spaces that face Webster Street are the bigger spaces

- CS - will not be performance spaces?
- DL - no, and the use of the rooms will be scheduled

- CS - have something in place when applying to the school

- it will be part of the marketing of the building

DM - grant, provided that there is a written policy submitted to the Board to notify the public of the accessibility, can submit with April status report

MB - second – carries

- DL
- toilet rooms, section 30.1, variance #4
 - because this was an apartment, there are bathrooms and toilet rooms in multiple locations
 - some are being made accessible and some are being built new (4 new in total at 1st floor)
 - 2 new toilet rooms at first floor
 - also employee toilet room accessible
 - there is at least one accessible toilet room at every level
 - 9 accessible toilet rooms provided, 5 existing toilet rooms are unimproved, and 2 new inaccessible toilet rooms proposed

- TH
- may not need a variance, since can use a unisex toilet room in same location as the existing toilet rooms

CS - no variance is required based on the proposed location of the toilet rooms and on the condition that directional signage is provided

MB - second – carries

- DL
- historic stairways, winders, nosings and handrails
 - the main stairway, secondary stairway and stairway in the barn
 - all historic parts in tact
 - will provide fully compliant wall side handrail at all existing stairs

- MB
- nosings mitigated with carpeting?

- DL
- assumed that they will remove carpeting, but are not locked into the removal
 - stairs are dangerous because of winders and other existing conditions
 - nosings add to the tripping factor and the carpeting will mitigate that
 - would prefer carpeting to nosing

MB - grant relief as proposed, on the condition that the carpeting is left on the stairs to mitigate the nosings

RG - second – carries

- DL
- first floor, noncompliant, double-leaf doors
 - propose to prop those doors open
 - and have hold open for stairway doors
 - will only be closed if a lesson is being given in the space, and then a teacher would operate the doors
 - three pairs of double-doors

- CS
- how wide are the door leafs?

DL - approximately 58" when both open
CS - open during lessons?
DL - no would be closed when lesson participants are present
- these are also public spaces, so there wouldn't be a reason to close those doors

LH - when there are performances going on, there will be no other event at that level
- want to keep the first floor rooms as free of 9-5 hours as possible
- would like to keep the portion of the house available

MB - grant as proposed for the three double leaf doors at the first floor, provided that they remain open during public use

CS - second – carries

DL - second floor of the house, 7 32" doors in many of the program spaces
- Mass Historic propose that they not replace the door
- provide 31" clear, and propose off-set hinges at all of those doors

CS - grant all on the condition off-set hinges are installed as proposed

MB - second – carries

DL - accessible hardware is proposed
- variance for first floor existing door that provides less than 32" clear space to the large gallery, due to the pair of adjacent accessible doors

CS - grant as proposed

AB - second – carries

DL - two inaccessible doors at second floor, one to inaccessible ladies toilet room and one to inaccessible stair hall

CS - grant the two inaccessible doors at the second floor

RG - second – carries

DL - inaccessible doors at second floor of the barn

CS - grant as proposed

MB - second – carries

DL - second floor relocation of door near stairway, and no maneuvering clearances provided, but still 32" door

CS - grant

MB - second – carries

- DL - one riser step up into old bathroom at second floor servant quarters
- ramp added, servicing one lesson room and one accessible toilet room
- proposing 36" instead of 48" inches

MB - grant as proposed

CS - second – carries

No more Raymond Glazier

24) Discussion: Exchange Hall, 2 School St., Acton (V11-110)

- TH - submittal from Glenn Berger
- scissor type lift over stairs, needs variance from elevator board as well
- needs to be continue, the stage is currently closed
- wants to meet with the Elevator Chief to see if they are going to approve

DM - continue until TH has opportunity to talk to Chief of Elevator Inspections

MB - second – carries

25) Hearing: Alpha Theta Sigma Chi House, 532 Beacon St., Boston (V12-263)

- WW - called to order at 1 p.m.
- introduce the Board

Michael Waters, LDa Architects (MW)

Peter Makrauer, LDa Architects (PM)

Daniel Craig, Alpha Theta Sigma Chi, Inc. (DC)

- WW - all sworn in
- EXHIBIT 1 – AAB1-53

- MW - Mary Kittredge House from 1900
- building was purchased in 1924 by Alpha Theta Sigma Chi
- restoration of historic interiors at Level 1 and Level 2 library only
- restoration of historic main stair
- also involves full accessibility upgrade to the building, including an elevator and accessible entrance
- first work done on the building in 90 years
- currently working under a permit at risk, which was approved by the Board to start the work in process and started on the 23rd of December 2013
- currently in demolition phase
- BBAC order of conditions has been filed with ISD
- request is regarding 7 variances
- letter in the packet

- MW - Beacon Street, entrance #1
- cost of compliance was to be excessive

- PM - AAB36, gives cost estimate for compliance; approximately \$185,000
- MW - seeking a variance to use the back street entrance the accessible entrance into the building
- DM - what about parking and route to the entrance from the front entrance
MW - AAB38 shows route
- AB - ability to put awning over the door?
MW - fire escape above the door
- PW - BBAC did not look favorable upon the awning, but there is lighting proposed
- MB - what about the handrails at the stairs?
PW - compliant handrails proposed and handrails will be extended to basement entrance
MW - AAB41 is the scope of the handrails
- MB - door hardware?
- or seeking relief
- MW - all door hardware will be upgraded to accessible door hardware
- AAB41, shows handrails, but they will have the proper handrail extensions
- CS - Route to Beacon Street to Back Street
MW - 500 feet to the door
- CS - how do you get there?
DC - students who bike, park their bikes at the rear
- people don't normally drive, but if they do they park at the rear
- people that take public transportation usually go to the front entrance
- there is an MIT shuttle that drops off close to the front of the building
- MW - there are currently disabled brothers living in the house
DC - yes, there was a brother in the 1970's that was disabled, but he hoisted himself up in the freight elevators
- DM - parking at rear? Still 9 cars?
PM - can park 3 rows of 3
- DM - where is the route for a person to get by the parked cars?
WM - there is a designated path of travel
- DM - front and rear doors are locked at all times?
DC - the rear door is locked, with a key pad proposed
- the front door, the exterior door is open, but there is an interior vestibule door is locked

MB - grant relief for the lack of an accessible route to the Beacon Street entrance (25.1 and all noncompliant components: 20.2, 20.11.2 and 20.12), on the condition that the stairs handrails are provided in compliance and door hardware is compliant, there is directional signage posted directing people to the rear accessible entrance,

DM - second –

CS - can't vote to grant a variance, unless conditions are set forth for the back entrance

MB - on the condition that accessible rear entrance provided
- carries

MB - accessible entrance shall be designed as proposed, with appropriate door hardware, lighting, awning, and automatic door opener, buzzer and intercom system at the rear, path of travel is maintained (cars don't block the path of travel), add that the Petitioners call the City to request work done along Back Street

CS - second – carries

TH - pavers used

WM - styles and hart brick (city hall pavers)

MB - City Hall pavers are not an accessible surface due to changes in level, may use brick, but it is required to be wire cut

CS - second – carries

MW - stairs from street to door down to the basement level
- seeking variance for the lack of access at this entrance
- not accessible and not used as an entrance to the building
- but handrails are proposed

PM - AA35, signed letter from ownership regarding use of the game room basement level door
- not used as an entrance since residents are not given keys

CS - grant the variance, on the condition that is used for emergency egress only
- withdraw

DM - grant the variance for the lack of access at the basement level game room door, on the condition that compliant handrails are provided

CS - second – carries

PM - AAB20

MW - inaccessible existing historic stairs and handrails, risers and existing handrails
- proposing to rework the stairs so that nosings will be corrected for the width of the carpet runner, but it will not go for the entire width of the stair tread (6 inches on either side will have noncompliant nosings)
- interior historic balustrade (AAB51)

- cost of compliant balustrade is seen as excessive
- propose to install wall mounted handrails at one side

KS - lower level of stairs will not have compliant handrails

MB - grant as proposed

DM - second – carries

MW - level 4-5 of stairs
- propose to extend historic stair detailing to 5th level

AB - grant as proposed

CS - second – carries

MW - proposing no vertical access to Level 5, mezzanine level, cannot project beyond roof level
- give access to upper level of Level 4 as well
- visitors will have access to both levels of Level 4, including the bathrooms which are accessible, but the showers are not accessible

CS - grant as proposed

DM - second – carries

MW - signage (AAB46)
- seeking variance for mounting height, proposing to mount on the stairs

PW - AAB47, minimum height of the Braille is at 1'6", will be located just below the handrail

CS - grant all three requests for signage, on the condition that there is clear map on the signage of location of accessible entrance, as well as arrow directing to accessible route

MB - second – carries

PW - map and arrow?

CS - yes

CS - motion to require MIT shuttle to drop-off at rear accessible entrance

- no second – motion fails

Andrew Bedar not present

26) Hearing: George Snow Building, 88 Lincoln St., Brockton (V13-274)

WW - called to order at 2:15 p.m.

- make aware of the fact that there are only 4 members present, and a quorum with 9 members is 5 members

- can reschedule the hearing; or go forward with the current sitting members and then have another person review the case

TH - currently only 6 sitting members, but one went home and one recused himself prior to the hearing, so can go forward or reschedule for April 2014

Jill Peebles and Peter Vlaco - chose to go forward with the hearing

WW - introduce the Board

Peter Vlaco, Brophy and Phillips Co. Inc., (Builder/Owner) (PV)

Jill Peebles, BKA Architects (JP)

WW - both sworn in

- EXHIBIT 1 – AAB1-41

JP - originally built as leather factory, located in downtown Brockton

- very little historic fabric left

- L- shaped building

- proposing accessible approaches to the building

- majority of people accessing the building will be from parking lot

- there will also be a new passenger elevator

- new accessible main entrance

- only other means of egress is the existing masonry stairs, which will be emergency egress only

- the building will be somewhat secure in that there will be only one public entrance and there will be vestibules at each level

- first floor of the building is a couple of steps up, grade is at half level

- first variance sought for the lack of two accessible means of egress

MB - will there be an area at the stairs for rescue assistance?

JP - there is room for two areas of rescue assistance at the interior of the door, so at least one of the doors would have an area of rescue assistance provided

- Stair #1 area of rescue assistance

CS - grant the variance for the lack of access at the two stairways, on the condition that there is an area of rescue assistance at interior of Stair #1 entrance, and plans provided to the Brockton Fire Department, also submit copy to the Board by January 24, 2014

DM - second – carries pending additional vote

JP - AAB26, area of exit discharge, face of the building is close to the property lines

MB - grant variance for the lack of accessible exit discharge

DM - second – carries pending additional vote

- JP - AAB27, Variance #2
 - egress door conditions, steps down to the sidewalk, no level landing at the door
 - could do level floor at one side but not at the exterior
- DM - grant the lack of level landing and push and pull side clearances, for Stairways 1 and 2*
CS - second – carries pending additional vote
- JP - AAB28, treads and risers, stair heights
- DM - grant for Stair 3A on AAB28 for lack of compliant tread height*
CS - second –
JP - cast in place concrete and cast iron rails
DM - excessive cost without benefit
- carries pending additional vote
- JP - AAB28, proposing that compliant wall side handrails at existing stairs, with extensions were feasible
- DM - grant as proposed*
MB - second – carries pending additional vote
- JP - handrail height for interior handrail
 - also variance for surface and clearance
- DM - grant for height, surface, and clear width, on the condition that wall side handrail as proposed*
MB - second – carries

Andrew Bedar now present

- 27) Incoming: Institute of Contemporary Art, 100 Northern Ave., Boston (V13-325)
- TH - EXHIBIT – variance application
 - new type of lift has been in place for the past 7 years
 - vertical wheelchair lift, used for dual purposes
 - serves the booth at the top of the auditorium
 - stairs pull back into the wall
 - handrails don't comply with stair requirements
 - company is appearing before the Elevator Board tomorrow, meeting with BSA access committee today
- MB - works in spaces where we would often have to grant a variance
 - not right to install without approval
- TH - seeking variance for the use of the lift
 - there are no compliant handrails

DM - continue until we hear back from the Elevator Board
CS - second – carries

28) Discussion: Commercial Building, 608-612 Main St., Melrose (V12-068)

TH - EXHIBIT – amendment to original application
- seeking variance for dimensions of accessible unisex toilet room
- Building Inspector disagreed that 72” by 90” required
- variance for the overall dimensions of the unisex accessible toilet room

DM - grant as proposed
MB - second – carries with CS opposed

29) Discussion: Waverly Commuter Rail Station, 525 Trapelo Road, Belmont (C12-033 & V13-076)

TH - EXHIBIT – new submittal from Petitioners
- ordered status reports towards compliance
- first status was due January 1, 2014
- emailed the Board on January 2, 2014, stating that submittal would be sent today
- received letter today from Diane Rubin, submitted status report (read into the record)

MB - need to write them back noting lack of information

CS - but the April 1 deadline is called and will determine April 1 about deadlines and what is submitted

MB - acknowledge receipt of status report
AB - second - carries

30) Discussion: Lesley University, Founders Hall/Stebbins Hall, 29-31 Everett St., Cambridge (V12-062)

TH - EXHIBIT- status report #3
- project schedule proceedings

MB - accept the submittal of status report
DM - second – carries

31) Discussion: Cathedral High School, 74-76 Union Park St., Boston (V09-109)

TH - EXHIBIT- submittal from Petitioners
- completion date of March 2014
- e-mail to TH on December 29th
- project has been delayed, project completion by March 2014
- given order to be in compliance by January 1, 2014, or fines would begin January 2, 2014
- seeking an additional 2 months

DM - extend to June 1, 2014 for completion and verification of all parts of the project, with fines to begin on June 2, 2014 as previously stated, with no further extensions allowed

No more DM

32) Hearing: Kitchen Store, 1154 Mystic Avenue, Medford (V13-135)

WW - called to order at 3:00 p.m.
- introduce the Board

Brian Zarther, Property Manager (BZ)

WW - BZ sworn in
- EXHIBIT 1 – AAB1-36

WW - make aware of lack of quorum and ability to proceed and one additional vote from another Board Member that will review, or continue to re-scheduled hearing

BZ - proceed with hearing

TH - AAB20, 2011 variance (V11-246), Amended Notice of Action, regarding first ramp into the store
- had granted the ramp, with conditions that floor plan is provided, showing where the ramp entry leads into the building; that was never received
- ordered that upon completion of the ramp; pictures be submitted to the Board

BZ - Mark (Dempsey) came out and did a site visit
TH - that was relative to the second request

TH - need the floor plans for the first ramp
- second part, expansion and removal of the existing ramp

BZ - originally wanted to use original ramp and then decided to reconstruct the secondary ramp
- submit pictures of the existing space

WW - accept package of photos as EXHIBIT 2

TH - AAB4 is Mark's site report

BZ - 4th picture in new submittal is new ramp
- AAB36 is the original ramp that was replaced

MB - last photograph, a step or different color wood
BZ - just different color wood

TH - these pictures help with both cases

MB - bathroom

BZ - bathroom not yet completed
- bump out for pipes for other parts of the building

AB - flush valve needs to be at other side and need to move grab bars and put grab bar at the rear

TH - size of the room

BZ - 61" by 134"
- required 72" by 90"

CS - *accept the two ramps, based on the submitted pictures, as providing accessibility into both businesses*

MB - *second – carries pending additional vote*

MB - *need to remove trash can at new ramp, ramp shall remain clear of snow and any other obstacles at all times*

CS - *second – carries*

CS - *grant the variance for the overall dimensions of the unisex toilet room (61" by 134") on the condition that the side grab bar shall be within 12" of the corner, rear grab bar within 6" of corner and as far as possible, clear, and flush valve switched, and photos submitted by January 24, 2013*

AB - *second – carries, pending additional votes*

CS - *expedite*

AB - *second - carries*

33) Incoming Discussion: Littleton Pub, 486 King St., Littleton (V13-324)

TH - previously ordered to deny variance and hold up the issuance of the liquor license
- told attorney that needed more documentation about dimensions provided and routes
- was originally supposed to be heard today, previously reviewed at last meeting
- will send Mark Dempsey out on the site visit
- can't do much else until the architect submits the required information

34) Discussion: 299 Newbury St., Boston (V12-159)

TH - EXHIBIT – submittal of leases

CS - *continue to January 27, 2014 to give the Board a chance to review the submitted leases*

MB - *second – carries pending additional vote*

35) Discussion: Minutes and Decisions from 12/16/13

CS - *accept minutes and decisions from 12/16/13*

AB -second –carries pending further vote

36) Advisory Opinion: Bancroft Elementary School, 15 Bancroft Rd., Andover

TH - café seating area, stairs are provided to stage from audience area, change in level 18” to the stage
- accessible route requires someone to leave public view, behind a door that is often locked and behind a wall that brings people to the stage

CS - no it does not

AB - second – carries pending further vote

37) Advisory Opinion: Commercial Building, 104 Newbury St., Route 1, Peabody

TH - new two-story building
- second floor of the building was proposed to be storage
- quit-claim covenant states that the second floor is restricted until an elevator is installed per requirements of 521 CMR
- now proposes to provide offices at the second floor, and employee only
- now going to be a multi-tenanted building

CS - need more information regarding second floor tenants

MB - second – carries pending additional vote

- End of Meeting -